

**Town of Milton
Planning & Zoning Meeting
Milton Library, 121 Union Street
Tuesday, November 15, 2011
7:00 pm**

**Minutes are not Verbatim
Transcriptionist: Helene Rodgville**

1. Call Meeting to Order
2. Roll Call of Members

Gene Steele	Present
Bob Heinrich	Present
Lynn Ekelund	Present
Don Mazzeo	Present (Chairperson)
Dick Grieg	Absent

3. Additions/Corrections/ to the Agenda

Don Mazzeo: Do we have any additions or corrections to the Agenda as it has been posted?

Lynn Ekelund: I have a question about the agenda. It's Business b) Annexation and Impact Fees, Discussion and possible vote on the development of a policy regarding the imposition of annexation and impact fees. I'm not quite certain, does that mean that we are going to discuss and possibly vote on whether we, as a Commission choose to develop a policy proposal, or is the agenda item calling for the Council to discuss and develop?

Don Mazzeo: The way it has been presented, the Council has requested Planning & Zoning review what's already on the books for the Annexation Fees. However, the Impact Fees, we are not necessarily going to be addressing at all.

Bob Heinrich: I didn't realize that.

Don Mazzeo: Just processing this information to you as we're going through the meeting tonight.

Lynn Ekelund: So you're telling me that the Council has requested that Planning & Zoning, rather than Mr. Abbott, as the Town Manager, develop a policy proposal regarding the imposition of Annexation Fees?

Don Mazzeo: The Town Manager has requested that the actual fee structures be reviewed and a recommendation be presented to the Council, through Mr. Abbott.

Lynn Ekelund: So...

Don Mazzeo: We are not writing policy.

Lynn Ekelund: The Town Council has not requested then that Planning & Zoning accept this assignment; Mr. Abbott has somehow placed this on the agenda. Is that what you're telling me?

Don Mazzeo: No. He hasn't placed it on the agenda.

Lynn Ekelund: Who placed it on the agenda?

Don Mazzeo: I have it on the agenda.

Lynn Ekelund: By what authority did you place 6b on the agenda?

Don Mazzeo: Town Manager and I had a brief meeting several weeks ago and at his request and a combination of his input and my input as Chairperson of this Committee and it was suggested that perhaps we, as a Committee, sit down and review the Annexation Fee Schedule. As it is currently written it, in fact, has erroneous data in it; something that we can address. We have, again, no authority to make any changes; we can only work with... In this case, we are working with Mr. Abbott, as Town Manager, to come up with a recommendation that he will, in fact, present back to Town Council.

Lynn Ekelund: But who suggested; going back to... I'm definitely trying to pin you down here, Don.

Don Mazzeo: You think so?

Lynn Ekelund: How did it happen?

Don Mazzeo: Mr. Abbott and I suggested that it go down to the agenda.

Lynn Ekelund: I don't believe that either you or Mr. Abbott or you and Mr. Abbott, in concert, have the authority to place something on the Planning & Zoning Commission agenda. That's my belief. Whether that is true or whether that is not true, I don't know. I've looked through the Town Code, I don't see anything. I think the Town Code is silent on that. I do know...

Don Mazzeo: Then I will defer to our Town Solicitor on this issue.

Seth Thompson: In terms of placing an item on the agenda, my legal opinion has always been one that any committee member or any commissioner or any Council Member can request that an item appear on the agenda, as long as it is given in advance and advised by FOIA; so that item can appear on the agenda, just based on a single person's request. In terms of whether or not an item can be heard in a committee, our Charter and our Code does not get specific in terms of what can and can't. The Mayor and Council are given the ability to form Committees and then seemingly give them jurisdiction over items. No clearly, this issue, when it comes to fees, has to go back to the Town Council; so anything that's done here would strictly be advisory.

Don Mazzeo: That's the word I would use, Seth.

Seth Thompson: And there isn't anything in our Code or in our Charter that mandates the work to be done on this level when it comes to this type of issue. Compare that to the rezoning, where our Code mandates that it go down to Planning & Zoning. This isn't that. We're not modifying the zoning code here.

Lynn Ekelund: Correct.

Seth Thompson: Seemingly you're being asked to deal with whether or not your current Annexation Fees make sense, in light of the economy now. That's something that I think could be designated to a Committee.

Lynn Ekelund: I understand that it could be designated to a Committee. I believe that we are a land use committee and I do not believe that this is an appropriate

subject for Planning & Zoning to take up. I believe, if Mr. Abbott believes that he needs some help in developing a policy proposal and he has been charged by the Mayor and Council to develop such a proposal; that he should go before the Mayor and Council and explain to them what type of help he needs; and ask them whether it should go before Planning & Zoning or whether there should be an Ad Hoc Committee established to develop a policy proposal regarding the imposition of Annexation Fees. Mr. Abbott was assigned this task; actually the Town Manager, when we didn't have a Town Manager, was assigned this task. Mr. Abbott accepted the job and accepted the task. It almost appears as if he's kicking the can to Planning & Zoning, which if the Town Council says yes, if you need help we deem it an appropriate commission; then it's come from Mayor and Council to Planning & Zoning. I didn't hear anything about this at the Town Council Meeting, which was the day before this agenda was posted. Mr. Abbott did not, in his Town Manager's Report, suggest in public; now I know that he's spoken to Mr. Mazzeo, which is fine; but he didn't suggest it to the Town Council in public and ask them whether they felt that this was an appropriate venue to help him out. I think he should do so, before we as a Planning & Zoning Commission accept this assignment.

Seth Thompson: And just to be clear. Again, every issues that appears on the agenda doesn't have to be solicited from Town Council. For instance, again any member of the Planning & Zoning Commission can request that an item appear, but I understand your point.

Lynn Ekelund: My point is, if anyone can put something down, then anyone can put something down. I just don't believe that discussing this particular item is an effective use of this Commission's time.

Seth Thompson: I think the nexus probably involves the fact that when something is annexed in, it necessarily has to be zoned something under our Code.

Don Mazzeo: That's the dovetail. We do, in fact, have the responsibility and the authority once an application then is presented to Town Council for an annexation into city/town limits of Milton and upon doing so there is a fee structure that is supporting the infrastructure or not supporting it; depending upon the actual structure and the line item that we are speaking about or if, in some cases, it has been overburdened to the particular annexation applicant and it has put Milton in a negative light. I'll just give you a quick example. The numbers may not be precise, so I don't want to quote numbers; but if a town, very similar to ours, just down the road has an annexation fee on a per acre basis; that's the way we are currently structured; of, pick a number, \$4,000 and we have a piece of property very similar and we are having an annexation fee of \$8,000 and it's very similar; we're talking about nuts and bolts, back and forth; where do you think that developer is going to go? He's going to go somewhere where it's only \$4,000, isn't he?

Lynn Ekelund: I understand your example, but I don't think it applies to my point. My point is I don't believe that the Planning & Zoning Commission is the Commission that should set that \$8,000 or that \$4,000 an acre fee; on a per acre

basis or any other basis. I believe that this is something and I know Mr. Abbott was charged to look into this, as a municipal government professional; he was asked to talk about this with the Town Engineer; I note that the Town Engineer is not here; so it doesn't exactly ring true that we're supposed to be having a discussion where he's supposed to be talking to the Town Engineer and we're not privy to the Town Engineer's professional comments, because he hasn't been invited. All I'm saying is I think that for something like this, if the Town Manager believes that he needs the help of the Planning & Zoning Commission, he should go before Town Council and he should explain to Town Council why he needs the help of Planning & Zoning and give Town Council the opportunity of assigning that task to Planning & Zoning or perhaps creating an Ad Hoc Committee that would deal with this assignment. That's my point.

Bob Heinrich: Can I jump in here? I haven't thought of this myself, but I think Lynn does make a point. The only reason I'm saying that, is as I look through and I did read it; I was very, very confused about one page that talks about annexation and impact fees and the other talks about an annexation fee; as I look through the schedule, I see annexation fees. I don't see impact fees. I see annexation fees. I thought it was more of a discussion going to be on the cost impact of annexation. In other words, how does it effect the Town of Milton, in terms of what it costs? I did understand that part of the reasoning behind it, was to develop something that will compare us to other towns. But there's some pretty heavy stuff in here in terms of numbers and this seems to me, to be more of a budgeting issue. Who's going to create the numbers? I understand the reason for maybe comparing, but the comparison itself has to be broken down; as you mentioned, by what unit are you going to base it on; acres, square footage? These are very difficult numbers for me to absorb and to try to figure out what's going where. I don't know if I'm making sense.

Don Mazzeo: No, I hear what you're saying, Bob. I really do.

Bob Heinrich: But I think Lynn makes a valid point; valid; I think she makes a good point; whether it's valid or not, I don't know.

Don Mazzeo: Mr. Steele do you want to join in on the conversation?

Gene Steele: I'm totally confused with this to begin with. I don't have the paperwork that you have; I only have four sheets.

Bob Heinrich: The letter from Mr. Abbott?

Gene Steele: I only have four sheets; you have a lot more.

Bob Heinrich: There is a lot of stuff here.

Gene Steele: I didn't receive all of that.

Lynn Ekelund: When I got my initial packet, which didn't have your papers on Cannery Village, it just had a four-page submission from Mr. Abbott; then there was an email from Don, which included other pieces to the puzzle; which added to my confusion, because I was wondering how Don ended up; now I know; that the two of them got their heads together and decided that this would be a good place to put this; that's why he had the other pieces to the puzzle that we didn't have.

Bob Heinrich: Yeah and I think it may be a reasonable thing; I'm tossed on it; I'm not sure how I feel about it. I think it's a reasonable thing for us to discuss; but I don't think we should do the number crunching; I just don't think that's appropriate.

Don Mazzeo: We wouldn't do the number crunching.

Bob Heinrich: And the other issue gets to comparing us with other towns. So what if it costs a few more dollars to build here, then it does someplace else? I mean...

Don Mazzeo: In this economy?

Bob Heinrich: I don't know. I have different thoughts on that, that probably aren't suitable for this particular discussion, but I think she raised a good point.

Don Mazzeo: We happen to have Mr. Abbott right in front of us.

Bob Heinrich: Right and I've never met you, Sir. My name is Bob Heinrich.

Don Mazzeo: And it may be very appropriate for Mr. Abbott to add his commentary as to the reasoning why this item is on the agenda and some of the background that brought it here.

Win Abbott: Good evening. Does everyone have the benefit of this packet of information? Would a couple of members of the public like to see it? No. Okay.

Lynn Ekelund: Which packet are you talking about; the four pager or the...

Win Abbott: I don't know, I made some more copies today to include things, that certainly...

Robin Davis: The only thing that was put in the packet was the four page that I originally got.

Don Mazzeo: The four page.

Bob Heinrich: Well I got pages with fees and a map.

Don Mazzeo: That was sent to you by me; all the members of the commission have that.

Bob Heinrich: Yeah. Okay. I don't need that.

Don Mazzeo: Okay, because there's additional information attached, if you will.

Win Abbott: As a practical matter, there are towns that are smaller than Milton in Delaware and other places that do not have the luxury of affording a full time administrator or manager or whatever you call them; and then there are towns with needs that are larger and more complex, such as Milton; that find it necessary to hire professionals like myself or Mr. Davis or a Town Solicitor, Mr. Thompson. And, for that reason, they are able to make management decisions and sometimes those decisions are a matter of style, rather than some kind of a legal authority. Our Town Solicitor and I talked about Best Practices. For example, before adopting any particular ordinance or resolution, if there's no great urgency, having it read before the public; making the publication available at two Council Meetings; that is one one month and then one the following month; and then enacting it at that time, so that everybody involved has an opportunity to do that. With respect to this, I choose to channel all of my efforts and I've engaged almost every single committee now, in the past five or six weeks that I've been with the town; with particular projects that are oriented towards their particular

committee's. Furthermore, as a matter of practicality and practice, whenever Council is not in session, the Mayor is the Council; so in concert with the Mayor and in order to expedite this particular process, which we all know is going to take several months; I have referred this to the Chairman of this committee and discussed it with him before presenting it to you. Now, if you personally or as a committee, choose not to undertake this, that's entirely up to you. I take the view that we're all in this for the best interests of the Town of Milton. Furthermore, in my introduction, the historical reference here I provide some legal basis for the reason why the Planning & Zoning Commission should undertake, at least the annexation part of this. So having said that, this is how we got to this particular point. I choose to channel the initiatives, the programs that I am tasked with, through Committee's, so they be vetted by local people who are already invested in the process; and under my discretion and with the authority that the Mayor, who is the Council whenever Council is not in session; that's the way it has gone. Now, you all, as volunteers, have the choice of whether or not you want to take this up; in part or not at all. It's entirely up to you; but we're simply trying to advance the cause that the Town of Milton has. Now, what I suggest is that this particular issue of annexation be parsed into two parts. One having to do with the administrative costs imposed by the act of annexation, which is indeed a purely Planning & Zoning issue, as is indicated in our Ordinances. And, passing on that part which has to do with the Impact on our infrastructure and putting that onto our Streets Committee or Finance or whatever else the case might be. But, the fact that you are taking a part of this, allows us to consider all the things that are involved with regard to annexation that have to do with Planning & Zoning and then you, as a Committee, can make your recommendations to Council; they can push it back on me; push it to another Committee; whatever. The legislative process has a lot of back and forth; but as long as we all understand that we're doing this for the best interests of the Town of Milton, that's all that really matters.

Don Mazzeo: Thank you Mr. Abbott. Did that un muddy any waters?

Bob Heinrich: It helped me a little bit. I think it needs to be compiled. I think, Mr. Abbott just said that we're really more concerned with annexation than impact and I was looking more at the impact, quite frankly, because I'm not a numbers guy, but when it comes to my taxes, I'm a numbers guy and impact fees are important. So I really thought the bulk of this was to deal with impact and not annexation. I do see in the fees, it's listed as annexation fee, but throughout the text of the document...

Don Mazzeo: It refers to both.

Bob Heinrich: Yeah, so I was very confused with that.

Win Abbott: When the project was assessed, whoever the future Town Manager would be, it was a package and it took some study in order to parse the difference between the two and of course, off line conversations having to do with annexation, the subject of impact always comes up. However, annexation and impact are indeed two different events that may happen concurrently, but are something that might be considered by two different committees, each with it's

own special interest for the Town.

Bob Heinrich: One, in fact, appears to be cost related and the other I think it's said it's not revenue related, but, the impact fee is definitely cost related and the annexation fee is, I would think, more revenue related in the terms that this is what we're going to charge somebody to pursue something like this. It's a gray area.

Don Mazzeo: It could be characterized as a fee to belong to the Town of Milton and your impact fees I would characterize as this is what you are going to be charged for the luxury of having become part of Milton.

Bob Heinrich: Yes, revenue is not the right term, I'm sure.

Don Mazzeo: Yes, but that's fine.

Bob Heinrich: It's money coming in vs. money going out.

Lynn Ekelund: Well I still, and I appreciate your explanation, I personally would feel more comfortable, if, since you say this certainly isn't going to be decided today, tonight or within the next couple of months; I personally would feel more comfortable if, at the next Town Council meeting, you presented your case, not just to the Mayor and not just to Mr. Mazzeo, but to the entire Town Council and the public as to why you believe that Planning & Zoning is the appropriate body to assist you in your assignment and have Town Council decide that, yes, they are going to assign this to Planning & Zoning. That's my personal feeling.

Bob Heinrich: I'll add mine, if I can.

Don Mazzeo: Let's not even go down that path. I'm going to jump in. What is the pleasure of the Commission? I would like to hear a motion on Agenda Item b, Annexation and Impact fees. Shall we discuss it this evening or not; I need a motion.

Lynn Ekelund: I move that we do not discuss Item 6b, Annexation and Impact Fees at this meeting, but wait until after the December Town Council Meeting to see what they decide as to whether we should or should not discuss it.

Seth Thompson: So is that a motion to correct the agenda, or amend the agenda?

Lynn Ekelund: It would be to correct the agenda.

Seth Thompson: Okay.

Don Mazzeo: Let's do a roll call vote.

Robin Davis: You need a second.

Don Mazzeo: Oh I need a second down there folks.

Bob Heinrich: I would like to discuss it a little further before a second is made.

Don Mazzeo: We have a motion on the table; we have a second or we don't. This is the way it goes.

Bob Heinrich: As stated, I don't second the motion.

Don Mazzeo: You do not second.

Bob Heinrich: I do not.

Don Mazzeo: Mr. Steele, can we have a second from your perspective?

Gene Steele: No I don't second the motion.

Don Mazzeo: Therefore, we have a failure of the motion; so we do have an agenda item to discuss the annexation and impact fees at this meeting. It remains

on the agenda.

Bob Heinrich: May I...

Don Mazzeo: Now you can talk again.

Bob Heinrich: What I would like to, I think... I think I understand where Lynn's coming from; I understand where Mr. Abbott's coming from in the sense that I think the sooner we can get to move on this particular subject, the better off the Town of Milton will be and I hate to see something like this get bogged down in that kind of bureaucracy and I don't mind discussing tonight whether we should move forward as the Planning & Zoning to just take a look at the annexation part of this whole package; discuss it; and then make a decision as to whether we think it should go to Council. Now is that...

Don Mazzeo: That's kind of a second as to what Lynn has just proposed.

Bob Heinrich: Well, I think Lynn wants; and correct me if I'm wrong; but I think Lynn was looking at postponing any discussion on it until Mr. Abbott can present it to the Town Council.

Don Mazzeo: That was what the motion would have been.

Bob Heinrich: I'm of the mind that, you know, anything to make the process move quicker in any respect; whatever the issue is; bureaucracy drives me nuts and if we can get to move on it just a little bit sooner than waiting for another month, I would say we can discuss it, but at what length? I don't know. I don't want to be here all night talking about this thing.

Seth Thompson: Procedurally then...

Lynn Ekelund: Are we talking about a little bit pregnant here?

Bob Heinrich: Yeah, right. I agree with you but I disagree; I'm having a hard time.

Don Mazzeo: Mr. Solicitor?

Seth Thompson: Yes, all right, procedurally I think it is probably best to approve the agenda as written; then you can discuss the substance of Item 6b at the time on the agenda and if it comes to a point where somebody wants to make a motion to table the discussion for the next meeting; I think procedurally that makes the most sense.

Bob Heinrich: That makes sense; to me anyway.

Seth Thompson: I think procedurally, that's probably the easiest way.

Lynn Ekelund: Let me ask you a question. If we proceed to discuss it and then table it, have we implicitly accepted it as an agenda item under our auspices?

Seth Thompson: When you table it, you're saying that's the conclusion of the discussion at this point; there was no dis-positive vote one way or the other, as far as what we are going to do with it. So you can continue discussion of it at your next meeting and if there's then a vote to not make any recommendation whatsoever, then that would be appropriate.

Lynn Ekelund: Okay, I'm good with that.

Bob Heinrich: I am too. In other words, we can terminate that discussion at any time we feel it's not within our purview.

Don Mazzeo: Yes.

4. Approval of agenda
Gene Steele: I would like to make a motion.
Don Mazzeo: Okay, we have another motion.
Gene Steele: I move for approval of the agenda as stated.
Lynn Ekelund: I second that.
Don Mazzeo: All in favor say aye. Opposed. Motion carried.
5. Approval of minutes of October 4, 2011 and October 18, 2011
Don Mazzeo: We need an approval of the minutes of October 4, 2011 and October 18, 2011. Are there any questions, comments or corrections to those minutes?
Bob Heinrich: I make a motion to accept both sets of minutes.
Gene Steele: Second
Don Mazzeo: All in favor say aye. Opposed. Motion is carried.
6. Business
 - a) **Advisory Report for Comprehensive Plan Amendment/Rezoning Application**

Review and approval of the written advisory report to Town Council regarding the application from Dogfish CVI, LLC for a Comprehensive Plan Amendment and Rezoning of a parcel located on Atlantic Street further identified by Sussex County Tax Map and Parcel #2-35-20.00-53.00. the parcel is currently designated as Residential/LPD (Large Parcel District). The proposed amendment/rezoning would change the designation to Light Industrial

Don Mazzeo: You all have received the copy of the Advisory Report that was written.
Seth Thompson: I brought additional copies in the event that people do not have one.
Don Mazzeo: I felt that everybody probably has one.
Seth Thompson: Okay.
Don Mazzeo: Having read through it, I believe everything that was stated in here, was reflective of what occurred on the meetings of October 4th and the subsequent Plus review letter that was arriving for the meeting of October 18th. I guess as a point of business, do we need a motion to approve your Advisory Report; I say your; the Advisory Report that's going to be presented to Town Council?
Seth Thompson: Correct. You would just be approving the Advisory Report, as written; but if there are corrections, by all means, I worked off of my notes, as opposed to the minutes.
Lynn Ekelund: I have two corrections.
Seth Thompson: Great.

Don Mazzeo: Oh, great.

Lynn Ekelund: Both of them are on Page 2; one is page 2, line 2 and it's just a spelling correction. Instead of "John Swanky", it should be "Schwanky".

Bob Heinrich: Good catch.

Seth Thompson: I hope that was auto correct.

Lynn Ekelund: Then I have another, which is same page, it's the first paragraph under Summary of Applicants and Proponents Arguments; line 8, starting with Impact on Milton's roads, schools, water, sewer and other public services. We don't have a sewer, so it would not be a public service. So I would delete sewer.

Seth Thompson: That's to reflect the privatization of our sewer?

Lynn Ekelund: Correct. Other than that, I think it's great.

Don Mazzeo: We need a motion to approve the Advisory Report, as amended.

Lynn Ekelund: So moved.

Bob Heinrich: Second.

Don Mazzeo: All in favor say aye. Opposed. Motion to accept the Advisory Report as amended.

Bob Heinrich: When do these things get signed, anyway?

Seth Thompson: You guys can sign it tonight; especially given the fact that the corrections are on Page 2 and signatures are on Page 4. I can forward it to you in one document again, if you're worried.

Lynn Ekelund: We trust you.

Don Mazzeo: We'll trust you on that one. So you have the official documentation with you? These are just copies?

Seth Thompson: I forwarded the Town a Word version, figuring... I never expect that I've done it perfectly.

Bob Heinrich: Will we sign one copy or we each sign our individual copies?

Seth Thompson: If everyone would sign one copy, then we're all right.

Don Mazzeo: So you'll have that at the next meeting or...

Seth Thompson: No, if you want to sign it tonight, that works.

Don Mazzeo: After the close of business let's say, we'll do it then.

Gene Steele: Mr. Abbott, apparently you are looking for some opinions in reference to your...

Don Mazzeo: Just a minute, I haven't announced that we've actually moved on to the next topic. Just a point of procedure.

b) Annexation and Impact Fees

Discussion and possible vote on the development of a policy proposal regarding the imposition of annexation and impact fees

Don Mazzeo: Do we have any questions or comments from the Commission? Mr. Steele.

Gene Steele: Mr. Abbott, apparently I think what you're doing is relatively a good idea; getting opinions from different committees; but what exactly do you want? What is the town looking for?

Win Abbott: Mr. Steele, to go back to some of the comments that prefaced the approval of this particular agenda; there are matters of practicality and style that I consider to be Best Practices and having whatever policies that I might have researched, culled by comparison with other similar towns and whatnot, vetted through a committee before it goes to Council, I think is a Best Practice. I do not think that it compliments the stature of the council of the Town of Milton to go through the entire process during a regular Council Meeting. This is not to disenfranchise anyone of our council members, but it certainly elevates the importance of the volunteers that serve on Committees and Commissions, such as this or the Finance or the Streets and Sidewalks committee's. So having said that, I value your input into this and as indicated in the historical reference part of this, I think there is a legal basis for the participation of this committee in the development of the policy with regard to annexation. Now, what it gets further into, is all the related costs that come with an annexation and as previously stated, I tried to parse the impact from annexation and perhaps with the exchange of words and with the length of the document, it was not so clear; but the main purpose of this initiative through this committee is to agree upon a nexus, a reference point, for the costs associated with the act of annexation, as opposed to the impacts on infrastructure. Now, in the final pages of the document that I provided you here, is a detailed study of each one of the administrative procedures that are relevant to each aspect related to development and in conference with the Circuit Rider Planner for the State of Delaware, assigned to Sussex County, even before we presented this information, he said what you need is this information and indeed we had done the research for it. Now the research is a couple of years old, and he suggested that we reference it to the Consumer Price Index, but then we would have an objective criteria by which to support the fee that we charge for the process of annexation and once again, the impacts related to infrastructure improvements and long term expenses supporting a sinking fund for particular hard costs that we have in the infrastructure; these are things that would surely have to go by way of an Engineer, in order to be better prepared. Annexation, administrative fees, these are things that fall within the domain of this particular commission by way of recommendation to the Council, who has the final say.

Bob Heinrich: Following up on that, I'm still confused. I see several schedules here. I see the Town of Milton Fee Schedule and the annexation

fee is \$8,000 an acre; and I see a couple of things that I gleaned from the rest of these, is that it's \$7,500 now; but here it's called an impact fee for the Town of Millsboro. So this is where I'm lost. I see we're charging an \$8,000 annexation fee, per acre; and the rationale or basis is listed there; but when you go to Millsboro, it's called an impact fee and in fact, in the text here, it's also mentioned that we were comparing directly to the Millsboro fee of \$7,500; when they're not really the same animal, as I understand this; one is an impact fee and one is an annexation fee.

Win Abbott: Yes, Sir, herein lies the problem.

Bob Heinrich: Well, you mean, I really understood this thing.

Don Mazzeo: You absolutely did.

Bob Heinrich: So, if you're asking this Commission to separate all of these things out, that is something I have a problem with, without a Town Engineer on board. This is a heavy duty task and I appreciate the effort that you must have to straighten this out or the task you must have to straighten all of this out; but it's confusing now and I guess, with that, I would have to say, there is some reason for getting it right. I don't know how we do that.

Don Mazzeo: That's part of the reason we're having this discussion. It's an open discussion. There's nothing here that's going to be voted on tonight, certainly not. That was never going to be, but the way we write our agenda items is always discussion and possible vote. It's never going to be coming to a vote tonight, so don't worry about that part. What we're looking at, and I don't think we're going to get much further than where we are right now, unfortunately. To take what we have today, in the annexation agreement and I think it's under Chapter 67, at some point, there's going to be an applicant coming to Town Council who wants to come in and annex a parcel that is next to town boundaries right now. That applicant is then immediately referred to where? Here. To this Commission. At that point, we have the opportunity to review that application, pros and cons, but prior to that ever happening, what we need to be very cautious of, is to make sure that we have a method in place, that says, this is the fee structure; let's call it a fee structure right now; it's not called "an annexation fee" or "an impact fee". For right now, let's call it a fee structure that makes sense for both Milton and potential applicants and that is defensible by Milton. An example is very simple. It's \$8,000 an acre right now, which includes the sewer fee portion of that \$8,000; we no longer have a sewer folks. Do we? In fact, Landview just had a comment that was put through on our letter of advice to the Council, because we no longer have a sewer; so there's no impact there.

Gene Steele: Yes, but on the rationale basis, it says water/sewer.

Don Mazzeo: But the bulk of it is...

Gene Steele: But the bulk of it is sewer; I'm sure.

Don Mazzeo: 65%.

Gene Steele: Yeah.

Don Mazzeo: That's the way I believe it was broken out.

Gene Steele: Yes.

Lynn Ekelund: I have no disagreement and I know this is a shock, with just about everything you just said. My disagreement is who should be discussing this? I don't think it should be Planning & Zoning; I think it should be an Ad Hoc Committee formed specifically to look into this problem. I'm not saying, Don, if you have a burning desire to address this, that you can't volunteer to be on the Ad Hoc Committee; but I believe that that Ad Hoc Committee should be comprised not of the members of the Planning & Zoning Commission, but it should be comprised if you want to be on it, yourself; perhaps the Town Engineer, to give us some engineering professionalism; Mr. Abbott...

Don Mazzeo: That wouldn't even be a perhaps.

Lynn Ekelund: But what I'm saying is, it doesn't, in my mind, it does not belong to Planning & Zoning; just because you can look at Section 67.2 and point out the word "cost" doesn't mean that this is the appropriate commission. It just doesn't. I believe that this is a very, very important issue that should be decided. I've been trying ever since we sold the sewer plant to get the annexation fees changed from \$8,000 an acre, to something more reasonable; something that will attract developers to town. I might volunteer to serve on that Ad Hoc Commission; but that's where it belongs; it doesn't belong here.

Don Mazzeo: I hear what you're saying, Lynn, and I don't want to pursue this line of discussion any further, because I think it will be counterproductive this evening.

Lynn Ekelund: I agree.

Don Mazzeo: I would entertain to table this discussion and we'll wait for Gene to come back. Now we don't have a quorum.

Seth Thompson: You do, you have five members.

Don Mazzeo: We don't need you, Gene, stay out. It's on record, just remember that.

Lynn Ekelund: I move to table discussion of Item 6b, until the Commission's next meeting in December.

Bob Heinrich: I second the motion.

Don Mazzeo: All in favor say aye. Opposed. Okay we have a motion that has passed; we are going to table this discussion until the next Planning & Zoning meeting, which will probably be December 21st or something of that nature.

7. Adjournment

Don Mazzeo: Do I hear a motion for adjournment?

Bob Heinrich: Make a motion, Gene. We just approved something without your knowledge, if that's okay.

Gene Steele: Okay. I make a motion to adjourn at 7:44 p.m.

Lynn Ekelund: Second.

Don Mazzeo: We have a motion and a second to adjourn. All in favor say aye.
Opposed. Motion carried. Thank you all.